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October 24, 2003

7.. pages including cover sheet.

PERSON TO:	COMPANY/DEPT TO:	FAX NUMBER:
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Examiner P. Baskar

Group Art Unite= 1645

703 308 4242

PERSON FROM:	COMPANY/DEPT FROM:	FAX NUMBER:
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William P. Ramey III

Intervet, Millsboro
Patent Department

302 934 4305

RE: USSN 10/087,573

Attorney Docket Number I 2001.004 US

Receipt is acknowledged of the papers and fees listed below in the above-identified application:

Response to Restriction Requirement (5 pages)

Certificate of Transmission (1 page)

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Schettters et al
USSN 10/087,573
Attorney Docket Number I 2001.004 US

Response to Restriction Requirement of Sept. 24, 2003 (5 pages)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

SCHETTERS, et al.

Serial Number: 10/087,573

Group Art Unit: 1645

Filed: February 28, 2003

Examiner: Baskar, P.

For: BABESIA CANIS VACCINE

Corresponding to: EP01200816.5, filed 06 March, 2001

Response to Restriction Requirement of September 24, 2003 and Preliminary Amendment

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir,

I. Introduction

Applicants hereby respectfully respond, as follows, to the Restriction Requirement of September 24, 2003 and make a Preliminary Amendment: Please charge any required fees and credit any credits to deposit account 02-2334.

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Oct 24 03 11:21a Intervet Inc.

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bratislava, Canine hepatitis virus, Canine parainfluenzavirus, rabies virus, *Hepatozoon canis* and *Borrelia burgdorferi*.

Response to Restriction

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III. Remarks and Conclusion

Claims 32-35 and 64-67 are currently pending. Claims 1-31 and 36-63 have been cancelled without prejudice or disclaimer to pursue the Claims of Invention II, as defined by the Examiner. No estoppel. The cancellations made were not based on reasons related to patentability under 35 U.S.C. §§ U.S.C. 101, 102, 103 and/or 112. No estoppel should result from said cancellations. Applicants expressly reserve the right to pursue the non-elected subject matter in a divisional application.

In response to the Restriction Requirement of September 24, 2003, Applicants elect Group II, Claims 32-35, with traverse.

Applicants have added new Claims 64-67. Such new Claims are directed towards a vaccine comprising the protein of Claims 32-35. The added Claims will pose no undue burden on the Examiner and Applicants respectfully request their consideration. The Claims are added before any prosecution on the merits.

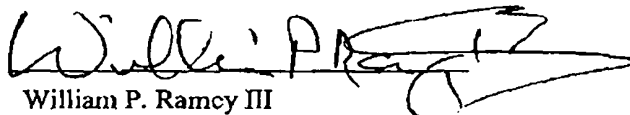
In conclusion, Applicants reaffirm the election of Group II. Further, Applicants assert the Claims are in a condition for allowance and such action is respectfully requested. Should the Examiner determine an interview would best further the prosecution of the case, the Examiner is invited to contact the undersigned attorney at (302) 933-4034.

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Respectfully Submitted,



William P. Ramsey III
Patent Attorney
Registration Number 44,295

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Response to Restriction

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